

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

TROY H. BRADFORD AND GLORIA
BRADFORD, Individually and as Class
Representatives on Behalf of All
Similarly Situated Persons; and
BOOKS ETC., by and through TROY
AND GLORIA BRADFORD, Class
Representatives on Behalf of All Those
Similarly Situated;

PLAINTIFFS

VS.

NO. 4:05-cv-4075 HFB

UNION PACIFIC RAILROAD COMPANY,
A Delaware Corporation,

DEFENDANT

(Jury Trial Demanded)

**PLAINTIFFS' MOTION TO PROHIBIT DEFENDANT COMMUNICATION
WITH UNREPRESENTED PUTATIVE CLASS MEMBERS**

COME NOW Plaintiffs, by and through counsel, and for Plaintiffs' Motion to Prohibit Defendant Communication with Unrepresented Putative Class Members state, allege, and say:

1. The train collision which is the subject of this suit occurred on October 15, 2005. The first Class Action Complaint concerning the collision was filed on October 19, 2005, in the Circuit Court of Miller County, Arkansas. Defendant has had notice of the existence of putative class members since on or about that date.

2. It has recently come to the attention of Plaintiffs' counsel that Defendant's communications with putative class members has included both those who are represented by counsel and those who are unrepresented. While Plaintiffs do not object to communications which Defendant may engage in with represented putative class members, through their counsel, Plaintiffs contend that Defendant, and its agents and employees, should be precluded from communicating

with unrepresented putative class members.

3, Defendant's communication with unrepresented class members has the substantial risk of harming the potential class members. Prohibiting such communications would produce little, if any, potential harm to Defendant. Allowing communication by Defendant with unrepresented potential class members allows exploitation of those with lesser legal knowledge and complete release of their potential claims after communicating solely with those with superior legal knowledge and those having a conflict of interest with them.

4, Rule 23 of the Federal Rules of Civil Procedure was enacted to allow numerous persons to pursue a class action or an action with questions of common or general interest to those numerous parties. Settling of claims by unrepresented potential class members depletes the potential class and undermines the purposes and intent of the drafters of Rule 23.

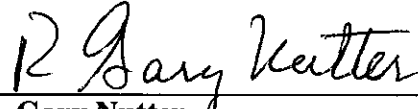
WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray, as requested in the Brief in Support filed herewith, that their Motion to Prohibit Defendant Communication with Unrepresented Putative Class Members be granted; that further communication by Defendant with any unrepresented putative class member be prohibited; and for such other and further relief to which Plaintiffs may be entitled in the premises.

Respectfully Submitted,

M. David Karnas
BELLOVIN & KARNAS, P.C.
100 North Stone Avenue, Suite 1105
Tucson, AZ 85701
Telephone: 520-571-9700
Telecopier: 520-571-8556
Email: karnas@bellovinkarnas.com

Roger W. Orlando
ORLANDO & KOPELMAN, P.C.
Decatur Court, Suite 400
315 West Ponce de Leon Avenue
Decatur, GA 30030
Telephone: 404-373-1800
Telecopier: 404-373-6999
Email: roger@orlandokopelman.com

DUNN, NUTTER & MORGAN, L.L.P.
Suite 6, State Line Plaza, Box 8030
Texarkana, Arkansas 71854-5945
Telephone: 870-773-5651
Telecopier: 870-772-2037
Email: rgnutter@dnmlawfirm.com

By: 
R. Gary Nutter
ABA#71058

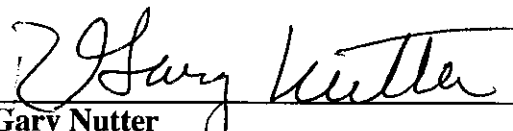
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, R. Gary Nutter, one of the attorneys for Plaintiffs, hereby certify that on the 15th day of May, 2006, I electronically filed the foregoing Plaintiffs' Motion to Prohibit Defendant Communication with Unrepresented Putative Class Members with the Clerk of this Court using the CM/ECF system which will send notification of such filing to the following attorneys:

Attorneys for Defendants:

George L. McWilliams
Sean F. Rommel
Patton Roberts McWilliams & Capshaw
Century Plaza, Suite 400
2900 St. Michael Drive
Texarkana, TX 75503


R. Gary Nutter